

Attorney General

Analyst: Holland-Smith

Historical Summary

OPERATING BUDGET	FY 2003 Total App	FY 2003 Actual	FY 2004 Approp	FY 2005 Request	FY 2005 Gov Rec
BY PROGRAM					
State Legal Services	13,103,900	12,766,600	13,719,900	14,481,900	14,242,700
Special Litigation	839,400	436,700	951,600	951,600	951,600
Total:	13,943,300	13,203,300	14,671,500	15,433,500	15,194,300
BY FUND CATEGORY					
General	13,618,400	13,081,900	13,891,400	15,257,900	15,042,200
Dedicated	150,800	100,800	780,100	175,600	152,100
Federal	174,100	20,600	0	0	0
Total:	13,943,300	13,203,300	14,671,500	15,433,500	15,194,300
Percent Change:		(5.3%)	11.1%	5.2%	3.6%
BY OBJECT OF EXPENDITURE					
Personnel Costs	12,317,700	12,059,800	12,976,800	13,487,900	13,505,800
Operating Expenditures	1,625,600	1,085,000	1,694,700	1,798,000	1,688,500
Capital Outlay	0	58,500	0	147,600	0
Total:	13,943,300	13,203,300	14,671,500	15,433,500	15,194,300
Full-Time Positions (FTP)	176.65	176.65	177.65	181.15	178.65

Department Description

The Attorney General is an elected constitutional official who serves as the state's chief legal officer. The responsibilities of the office are executed by six separate divisions budgeted in two different programs.

STATE LEGAL SERVICES:

1. Civil Litigation: Provides centralized civil litigation advice and representation in cases for all state agencies, and defends the state in tort claims, actions against the judiciary, employment claims against state agencies, and actions against the Legislature. The Consumer Protection Unit enforces Idaho's consumer protection, telephone solicitation, charitable solicitation, and pay-per-telephone call statutes, as well as other laws.

2. Contracts and Administrative Law: Manages outside legal contracts for the Bureau of Risk Management, the State Insurance Fund, the Bureau of Child Support, and the Industrial Special Indemnity Fund, including assignment of cases to outside legal counsel, monitoring and supervision of cases, and review and approval of attorney billings.

3. Criminal Law: Represents the state in criminal appeals before the Idaho Supreme Court, the Idaho Court of Appeals, and in death penalty appeals in state or federal courts. Provides prosecutorial assistance statewide to counties, and provides state assistance through the complex (white-collar crime) Criminal Investigations Unit to local agencies.

4. Human Services: Provides legal service to the Dept. of Health & Welfare.

5. Intergovernmental & Fiscal Law: Provides legal advice to the Secretary of State and the State Treasurer, counties, cities, and special districts in the state. Provides legal representation to several state agencies.

6. Natural Resources: Provides legal services to the natural resources agencies, and represents the State of Idaho in current endangered species litigation, Snake River Adjudication, and the remediation of Triumph Mine.

SPECIAL LITIGATION PROGRAM: Funds are used to engage private legal representation when required due to ethical conflict between governmental entities, hire technical experts when the Attorney General's staff does not have the necessary expertise, and cover the cost of extraordinary unanticipated litigation.

Attorney General

Analyst: Holland-Smith

Comparative Summary

Decision Unit	Agency Request			Governor's Rec		
	FTP	General	Total	FTP	General	Total
FY 2004 Original Appropriation	177.65	13,891,400	14,671,500	177.65	13,891,400	14,671,500
Reappropriations	0.00	402,700	402,700	0.00	402,700	402,700
FY 2004 Total Appropriation	177.65	14,294,100	15,074,200	177.65	14,294,100	15,074,200
Removal of One-Time Expenditures	0.00	(402,700)	(402,700)	0.00	(402,700)	(402,700)
FY 2005 Base	177.65	13,891,400	14,671,500	177.65	13,891,400	14,671,500
Personnel Cost Rollups	0.00	230,200	230,300	0.00	230,200	230,300
Inflationary Adjustments	0.00	11,800	13,400	0.00	0	0
Replacement Items	0.00	155,800	155,800	0.00	0	0
Nonstandard Adjustments	0.00	(8,200)	(8,200)	0.00	(10,200)	(10,200)
Change in Employee Compensation	0.00	121,300	121,800	0.00	245,600	246,700
Fund Shifts	0.00	629,200	0	0.00	629,200	0
FY 2005 Program Maintenance	177.65	15,031,500	15,184,600	177.65	14,986,200	15,138,300
1. Admin & Budget Database Administrator	1.00	81,400	81,400	0.00	0	0
2. Civil Litigation/Consumer Protection	1.50	21,600	34,100	0.00	0	0
3. Statewide Criminal Justice Discussion	0.00	20,000	20,000	0.00	0	0
4. Additional Capital & Operating Funds	0.00	12,400	22,400	0.00	0	0
5. Case Management Software	0.00	35,000	35,000	0.00	0	0
6. Paralegal for Dept. of Finance	1.00	56,000	56,000	1.00	56,000	56,000
7. Carryover Authority	0.00	0	0	0.00	0	0
FY 2005 Total	181.15	15,257,900	15,433,500	178.65	15,042,200	15,194,300
Change from Original Appropriation	3.50	1,366,500	762,000	1.00	1,150,800	522,800
% Change from Original Appropriation		9.8%	5.2%		8.3%	3.6%

Attorney General

Analyst: Holland-Smith

Budget by Decision Unit

	FTP	General	Dedicated	Federal	Total
FY 2004 Original Appropriation	177.65	13,891,400	780,100	0	14,671,500

Reappropriations

Reappropriation authority -- otherwise known as carry over -- allows unspent funds from the prior fiscal year to be carried over and spent in the current fiscal year. Those moneys are then removed as one-time expenditures before calculating the FY 2005 Base. Carry over requires specific legislative authorization and must be approved every year. Few appropriations receive reappropriation authority. This reappropriation was authorized for General Funds supporting Special Litigation.

Agency Request	0.00	402,700	0	0	402,700
Governor's Recommendation	0.00	402,700	0	0	402,700

FY 2004 Total Appropriation					
Agency Request	177.65	14,294,100	780,100	0	15,074,200
Governor's Recommendation	177.65	14,294,100	780,100	0	15,074,200

Removal of One-Time Expenditures

Agency Request	0.00	(402,700)	0	0	(402,700)
Governor's Recommendation	0.00	(402,700)	0	0	(402,700)

FY 2005 Base					
Agency Request	177.65	13,891,400	780,100	0	14,671,500
Governor's Recommendation	177.65	13,891,400	780,100	0	14,671,500

Personnel Cost Rollups

Includes the employer-paid portion of estimated changes in employee benefit costs. The two biggest factors are: health insurance rates which are projected to increase by 17 percent, from \$5,548 to \$6,493 per employee; and retirement system (PERSI) rates that will increase by over 6% to 10.39 and 10.73 percent of salary for regular and police/firefighter members, respectively.

Agency Request	0.00	230,200	100	0	230,300
Governor's Recommendation	0.00	230,200	100	0	230,300

Inflationary Adjustments

Includes a general inflationary increase of 1.9% in operating expenditures.

Agency Request	0.00	11,800	1,600	0	13,400
----------------	------	--------	-------	---	--------

The Governor recommends no increase for general inflation.

Governor's Recommendation	0.00	0	0	0	0
---------------------------	------	---	---	---	---

Replacement Items

The request for Replacement Items includes \$44,100 for 35 computer workstations, \$14,000 for eight printers, \$12,700 for four servers, \$6,700 for four laptops, \$5,000 for a scanner, \$4,000 for a tape backup, \$7,200 for four fax machines, \$20,000 for a vehicle, \$5,600 for 14 executive chairs, and \$14,000 for a photocopier. An additional \$7,500 is requested in operating expenditures for technical training, and \$15,000 to upgrade the imaging system software.

Agency Request	0.00	155,800	0	0	155,800
----------------	------	---------	---	---	---------

Not recommended.

Governor's Recommendation	0.00	0	0	0	0
---------------------------	------	---	---	---	---

Attorney General

Analyst: Holland-Smith

Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
-------------------------	-----	---------	-----------	---------	-------

Nonstandard Adjustments

The Statewide Cost Allocation Plan assesses state agencies for their actual use of Attorney General, State Controller and State Treasurer services. Also included are changes in property/casualty insurance premiums and the cost of office space leased to state agencies by the Department of Administration. Risk management fees are reduced by \$1,300, State Controller fees by \$15,800, and State Treasurer fees by \$2,100.

In addition, \$11,000 is requested for the annual contractual increase in Westlaw on-line legal research, annual maintenance for Legal Files case management software, annual maintenance for Navision employee and asset databases and annual maintenance for imaging system software.

Agency Request	0.00	(8,200)	0	0	(8,200)
----------------	------	---------	---	---	---------

The annual maintenance for the imaging system software of \$2,000 is not recommended.

Governor's Recommendation	0.00	(10,200)	0	0	(10,200)
---------------------------	------	----------	---	---	----------

Change in Employee Compensation

Reflects the cost of a 1% salary increase for permanent and group positions.

Agency Request	0.00	121,300	500	0	121,800
----------------	------	---------	-----	---	---------

The Governor recommends a compensation increase of 2% to be distributed based on merit. No adjustment to the pay line is recommended.

Governor's Recommendation	0.00	245,600	1,100	0	246,700
---------------------------	------	---------	-------	---	---------

Fund Shifts

Shift reinstated positions back to the General Fund. The General Fund will benefit from the actual cost of these positions during the fiscal year through statewide cost allocation, and at the same time reestablish these authorized positions back to the General Fund from the Consumer Protection Fund. The fiscal impact of this adjustment is revenue neutral.

Agency Request	0.00	629,200	(629,200)	0	0
----------------	------	---------	-----------	---	---

Governor's Recommendation	0.00	629,200	(629,200)	0	0
---------------------------	------	---------	-----------	---	---

FY 2005 Program Maintenance

Agency Request	177.65	15,031,500	153,100	0	15,184,600
----------------	--------	------------	---------	---	------------

Governor's Recommendation	177.65	14,986,200	152,100	0	15,138,300
---------------------------	--------	------------	---------	---	------------

1. Admin & Budget Database Administrator

State Legal Services

The office's mission critical SQL and Citrix applications require special expertise and create support demands that require a dedicated full-time position. The office has implemented a number of mission critical SQL databases. They include Legal Files Case Management software for the Natural Resources Division, the Consumer Protection complaint database, the "no-call" database, and Navision, and employee and resource management database. This request is for \$72,900 in personnel costs, \$4,000 for operating expenditures, and one-time capital outlay of \$4,500.

Agency Request	1.00	81,400	0	0	81,400
----------------	------	--------	---	---	--------

Not recommended. The Governor's recommendation recognizes selected enhancements and defers action on other items to the Legislature.

Governor's Recommendation	0.00	0	0	0	0
---------------------------	------	---	---	---	---

Attorney General

Analyst: Holland-Smith

Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
2. Civil Litigation/Consumer Protection					State Legal Services
This funding request is to move four part-time positions to two full-time positions. The Civil Litigation Division has been using several part-time employees without benefits to provide full-time coverage for office reception and office assistant duties. Combining this part-time coverage into one full-time receptionist and one full-time office assistant would result in higher quality service and more efficient supervision. This request is for .50 FTP, \$11,500 in salary, and \$10,100 in benefits for a total of \$21,600 in personnel costs from the General Fund.					
In addition, the Office is requesting to move two temporary positions funded in the Consumer Protection Fund into one full-time position (1.00 FTP) with an additional \$3,100 in salary and \$9,400 in benefits for a total of \$12,500 in personnel costs from the Consumer Protection Fund.					
Agency Request	1.50	21,600	12,500	0	34,100
<i>Not recommended. The Governor's recommendation recognizes selected enhancements and defers action on other items to the Legislature.</i>					
Governor's Recommendation	0.00	0	0	0	0
3. Statewide Criminal Justice Discussion					State Legal Services
The Attorney General proposes to conduct town meetings throughout the state to involve citizens in a discussion of criminal justice issues. A steering committee, to include representatives of the Legislature and the Judicial Branches of state government as well as various stakeholder organizations, will prepare a report at the conclusion of the two-year process.					
Agency Request	0.00	20,000	0	0	20,000
<i>Not recommended. The Governor's recommendation recognizes selected enhancements and defers action on other items to the Legislature.</i>					
Governor's Recommendation	0.00	0	0	0	0
4. Additional Capital & Operating Funds					State Legal Services
This request is to purchase batteries to expand the UPS to maintain the network during power failures, and to purchase an air conditioner unit to maintain proper temperature in the server room to prevent system failure due to overheating. Also requested is funding for miscellaneous network testing equipment, scanning station for court documents, and programming costs to update the consumer complaint database.					
Agency Request	0.00	12,400	10,000	0	22,400
<i>Not recommended. The Governor's recommendation recognizes selected enhancements and defers action on other items to the Legislature.</i>					
Governor's Recommendation	0.00	0	0	0	0
5. Case Management Software					State Legal Services
This request is for \$30,000 in one-time operating expenditures, and \$5,000 in ongoing operating expenditures to purchase case management software. Case management software performs several critical functions to assist in tracking, staff allocation, timely reporting and the decreased risk of missing deadlines and defaulting on cases.					
Agency Request	0.00	35,000	0	0	35,000
<i>Not recommended. The Governor's recommendation recognizes selected enhancements and defers action on other items to the Legislature.</i>					
Governor's Recommendation	0.00	0	0	0	0

Attorney General

Analyst: Holland-Smith

Budget by Decision Unit

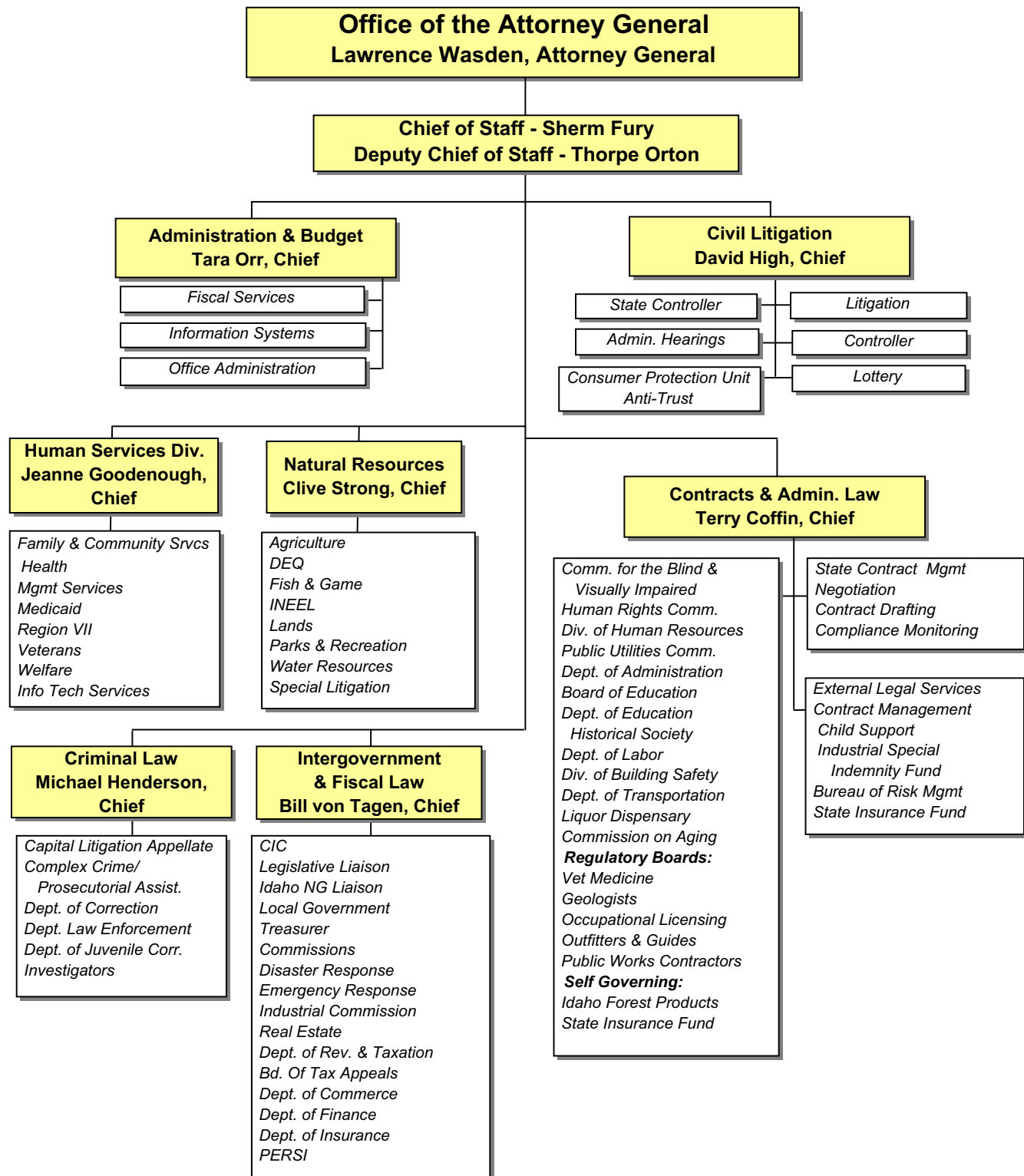
	FTP	General	Dedicated	Federal	Total
6. Paralegal for Dept. of Finance					State Legal Services
<p>The Department of Finance has requested the addition of a paralegal to their legal staff. Two deputies attorney general are currently assigned to this agency, and in addition to normal advice and legal services, their litigation caseload has increased significantly. Involvement in cases like the Household International, Inc. settlement, the Rehoboth Bank challenge to Idaho Credit Code licensing and the Dept. of Finance v. Robert McClung case involving misuse of inventor monies, have all generated a substantial amount of paralegal work. At the same time, the Department has established a policy goal to increase collection of court-ordered restitution for injured inventors. The services of a paralegal, to assist the deputies, would substantially further that goal and allow more efficient use of attorney time.</p> <p>The Office of the Attorney General and the Department of Finance are proposing to have the Department of Finance provide funds for the first year's costs directly with a cash transfer into the General Fund at the beginning of FY 2005. The General Fund will be reimbursed in future years from the Department of Finance through statewide cost allocation.</p>					
Agency Request	1.00	56,000	0	0	56,000
<i>The Governor's recommendation recognizes selected enhancements and defers action on other items to the Legislature.</i>					
Governor's Recommendation	1.00	56,000	0	0	56,000
7. Carryover Authority					Special Litigation
<p>The Office of the Attorney General is requesting carryover spending authority from FY 2004 into FY 2005 for the Special Litigation Program.</p>					
Agency Request	0.00	0	0	0	0
<i>The Governor recommends carryover authority for the Special Litigation Program.</i>					
Governor's Recommendation	0.00	0	0	0	0
FY 2005 Total					
Agency Request	181.15	15,257,900	175,600	0	15,433,500
Governor's Recommendation	178.65	15,042,200	152,100	0	15,194,300
Agency Request					
Change from Original App	3.50	1,366,500	(604,500)	0	762,000
% Change from Original App	2.0%	9.8%	(77.5%)		5.2%
Governor's Recommendation					
Change from Original App	1.00	1,150,800	(628,000)	0	522,800
% Change from Original App	0.6%	8.3%	(80.5%)		3.6%

Attorney General

Issues & Information

Analyst: Holland-Smith

Organizational Chart



Attorney General

Issues & Information

Analyst: Holland-Smith

Special Litigation - History of Expenditures	FY 2000	FY 2001	FY 2002	FY 2003
1. Blackbird Mine	100	200	2,700	2,400
2. Bunker Hill Trust Administration		700		
3. Child Sex Abuse Report	15,000	16,000	16,000	16,000
4. Coeur d'Alene Tribes Claim	300	34,400	12,600	100
5. Death Penalty Cases	4,100	9,500	35,700	12,500
6. Endangered Species	1,300	7,500	13,100	6,300
7. Federal Habeas - Gray				4,200
8. Fish Passage Solution		6,800		
9. General Fire & Casualty v Idaho				8,200
10. Grizzley Bear			117,000	1,800
11. Hayden Lake Fire Protection vs. SIF		67,400	260,100	8,700
12. Hydropower Relicensing				300
13. ICL v Idaho (Priest Lake)			400	29,400
14. ICL v Idaho (Gray Lake)				400
15. Idaho Forest v Hayden Lake			900	
16. Idaho Power Relicensing		600		200
17. Indian Gaming	200			4,800
18. Land Board Litigation		7,900		300
19. Miscellaneous (under \$2,500)		400	2,700	
20. Planned Parenthood vs. Lance & Bower		19,500	169,300	38,400
21. Public Education Law Suits	10,200	200	9,200	127,600
22. Purchase Imaging System		14,000	16,100	
23. Quiet Title	406,500	376,700	359,200	16,300
24. State vs. U.S. Redfish Lake Ownership			73,300	32,700
25. Rudeen vs. Cenarussa		200		
26. Salmon River Beds	97,400			
27. Snake River Basin Adjudication*	1,732,700	489,500	306,200	117,800
28. State vs. Osmundson	200	100		
29. State vs. Solomon (Naturopath)	1,200	8,000		
30. State vs. USFS Roadless		6,800	800	
31. Tobacco				1,700
32. Triumph Mine	900	2,700	300	1,000
33. U.S. vs. Oregon	3,200	1,000	800	3,500
34. Water Power Relicensing	100	900	3,200	
35. Webb vs. USA		1,000		
37. Weyrich vs. Lance	16,000			
38. One-Time Charges				2,100
39. Encumbered Funds - Balance Remaining			1,884,200	
TOTAL	2,289,400	1,072,000	3,283,800	436,700

* \$8,100 of the \$1,732,700 spent in FY 2000 was reverted as an unliquidated encumbrance in FY 2001.